

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CHARLES FOX, :  
Plaintiff, : C.A. No. 05-40106(WGY)  
 :  
v. :  
 :  
HARLEY LAPPIN, et al., :  
Defendants. :

PLAINTIFF'S REPLY TO MEMORANDUM OF AMICUS CURIAE

"Keep your friends close and your enemies closer" is a popular saying and, with all due respect to Amicus, is, perhaps, applicable in this pleading. Plaintiff Charles Fox (Fox) respectfully submits his Reply to the memorandum of Amicus. Fox objects to dismissal for failure to exhaust administrative remedies.

Fox submits as an attached exhibit, the August 31, 2005 Receipt of his Administrative Remedy, showing that the Bureau of Prisons (BOP) has until October 9, 2005 to answer the final BP-11 of his already filed administrative Remedies. See attached. That is, of course, unless the BOP further delays the proceedings with an extension of time in which to answer. Should the Court choose to stay the proceedings until October 9, 2005, Fox has no objections.

Amicus was Ordered by this Court to file an amicus brief with respect to the issues presented. Se Memorandum and Order dated July 18, 2005. For reasons unknown to Fox, amicus has chosen not to address the issues presented. Fox has filed a Reply and Objection to the defendants Response and states that the issues are ripe for adjudication.

CONCLUSION

The plaintiff's relief should be granted.

Respectfully submitted,

Charles Fox, pro se  
Reg. No. 02972-088  
FMC Devens  
P.O. Box 879  
Ayer, MA 01432-0879  
Dated: September 10, 2005

CERTIFICATION

I hereby certify that a copy of the foregoing has been mailed postage prepaid first class to:

AUSA Gregg Shapiro  
U.S. Attorney's Office  
One Courthouse Way  
Boston, MA 02210

&

J. Mizner, Esq.  
Federal Defender Office  
408 Atlantic Avenue  
Boston, MA 02110

by placing in the prison legal mailbox this 10th day of September, 2005.

  
Charles Fox

RECEIPT - ADMINISTRATIVE REMEDY

DATE: AUGUST 31, 2005

FROM: ADMINISTRATIVE REMEDY COORDINATOR  
BOP CENTRAL OFFICE

TO : CHARLES MARSHALL FOX, 02972-088  
DEVENS FMC UNT: H SOMP QTR: H04-409U

THIS ACKNOWLEDGES THE RECEIPT OF THE CENTRAL OFFICE APPEAL  
IDENTIFIED BELOW:

REMEDY ID : 379326-A1  
DATE RECEIVED : AUGUST 30, 2005  
RESPONSE DUE : OCTOBER 9, 2005  
SUBJECT 1 : PUBLIC SAFETY FACTOR APPEALS  
SUBJECT 2 :  
INCIDENT RPT NO: